

1 RONALD S. BUSHNER (SBN 98352)

Ronald.Bushner@wilsonelser.com

2 EMILY M. WEISSENBERGER (SBN 248898)

Emily.Weissenberger@wilsonelser.com

3 **WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

4 525 Market Street, 17th Floor

San Francisco, California 94105-2725

5 Telephone: (415) 433-0990

Facsimile: (415) 434-1370

6 FRED M. BLUM (SBN 101586)

7 fblum@behblaw.com

8 ERIN K. POPPLER (SBN 26774)

BASSI, EDLIN, HUIE & BLUM LLP

9 500 Washington Street, Suite 700

San Francisco, California 94111

10 Telephone: (415) 397-9006

Facsimile: (415) 397-1339

11 Attorneys for Defendant

12 TEXAS EASTERN OVERSEAS, INC.

13 PHILIP C. HUNSUCKER (SBN: 135860)

BRIAN L. ZAGON (SBN: 142403)

14 MAUREEN B. HODSON (SBN: 251990)

MARC A. SHAPP (SBN: 266805)

15 **HUNSUCKER GOODSTEIN & NELSON PC**

3717 Mt. Diablo Blvd., Suite 200

Lafayette, CA 94549

16 Telephone: (925) 284-0840

Facsimile: (925) 284-0870

17 Attorneys for Plaintiff

18 AMERIPRIDE SERVICES INC.

[Additional Attorneys Listed on Signature Page]

20 **UNITED STATES DISTRICT COURT**
21 **EASTERN DISTRICT OF CALIFORNIA**

22 AMERIPRIDE SERVICES, INC.,

23 Plaintiff,

24 v.

25 VALLEY INDUSTRIAL SERVICES, INC., a
former California corporation, et al.,

26 Defendants.

27 AND ALL RELATED CROSS-ACTIONS.
28

Case No. 2:00-CV-00113-LKK JFM
(Consolidated)

**STIPULATION AND ORDER
CONCERNING COSTS INCURRED BY
AMERIPRIDE SERVICES, INC.**

**STIPULATION AND [PROPOSED] ORDER
CONCERNING COSTS INCURRED BY AMERIPRIDE SERVICES, INC.**

Defendant TEXAS EASTERN OVERSEAS, INC., (“TEO”) and Plaintiff AMERIPRIDE SERVICES INC., (“AmeriPride”), by and through their respective counsel, stipulate as follows:

RECITALS

In order to avoid the unnecessary introduction of voluminous documents and to streamline the trial process, the Parties stipulate to the following facts for the purposes of this trial only. The stipulation is being entered in to in light of pre-trial rulings by the Court on insurance off-sets and for the convenience of the Parties. TEO by entering into the stipulation has not waived any rights relating to any pre-trial ruling or to raise the issue of AmeriPride’s insurance set offs at any retrial or as to future costs.

STIPULATION

1. AmeriPride has directly incurred \$7,570,921 in investigation and remediation costs through August 2010.

2. AmeriPride has directly incurred \$474,730 in regulatory oversight costs through September 2010.


3. AmeriPride paid \$8,250,000 to Huhtamaki to settle all claims Huhtamaki had against AmeriPride.

4. AmeriPride paid \$2,000,000 to Cal-Am Water Co. to settle all claims Cal-Am Water Co. had against AmeriPride.

Dated: January 4, 2012

HUNSUCKER GOODSTEIN & NELSON PC

By: _____


Philip C. Hunsucker
Brian L. Zagon
Maureen B. Hodson
Marc A. Shapp
Attorneys for
AMERIPRIDE SERVICES INC.
STOEL RIVES LLP

Lee N. Smith
Attorneys for
AMERIPRIDE SERVICES INC.

Dated: January 4, 2012

**WILSON, ELSER, MOSKOWITZ, ELDELMEN &
DICKER LLP**

By /s/Emily Weissenberger

Ronald Bushner

Bernard Gehlhar

Emily Weissenberger

Attorneys for

TEXAS EASTERN OVERSEAS, INC.

BASSI, EDLIN, HUIE & BLUM LLP


Fred M. Blum

Erin Poppler

Attorneys for TEXAS EASTERN OVERSEAS, INC.

IT IS SO ORDERED.

Dated: JANUARY 9, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

PROOF OF SERVICE

I am a citizen of the United States. My business address is 3717 Mt. Diablo Blvd., Suite 200, Lafayette, California 94549. I am employed in the county of Contra Costa where this service occurred. I am over the age of 18 years, and not a party to this action. I am readily familiar with this,

**STIPULATION AND [PROPOSED] ORDER
CONCERNING COSTS INCURRED BY AMERIPRIDE SERVICES, INC.**

firm's practice for collection and processing correspondence for mailing, facsimile, overnight delivery and personal delivery.

On January 9, 2012, following ordinary business practice, I served the foregoing documents described as:

STIPULATION AND [PROPOSED] ORDER CONCERNING COSTS INCURRED BY AMERIPRIDE SERVICES, INC.

 X (BY ELECTRONIC FILING) I caused the above document to be served by ECF to the following names on the service list provided by ECF; and

 X (BY EMAIL) by transmitting via email the document listed above to the email address(es) set forth above, or as stated on the attached service list, on this date.

Ronald Bushner
Bernard Gehlhar
Emily Marie Weissenberger
Wilson, Elser, Moskowitz, Edelman & Dicker
LLP
525 Market Street, 17th Floor
San Francisco, CA 94105-2725
Email: ronald.bushner@wilsonelser.com
bernard.gehlhar@wilsonelser.com
emily.weissenberger@wilsonelser.com

Fred M. Blum
Erin K. Poppler
Bassi, Edlin, Huie & Blum LLP
500 Washington Street, Suite 700
San Francisco, CA 94111
Email: fblum@behblaw.com
epoppler@behblaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 9, 2012 at Lafayette, California.

/s/ Michelle Bryant
Michelle Bryant